

REPORT FROM: PLANNING ECONOMIC DEVELOPMENT AND REGULATORY SERVICES MANAGER

TO: POLICY AND RESOURCES COMMITTEE

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**PENDLE LOCAL PLAN PART 2
SITE ALLOCATIONS AND DEVELOPMENT POLICIES**

PURPOSE OF REPORT

- (1) To request that Members approve the Local Plan Part 2 (Preferred Options Report) and agree for it to be made available for an eight week public consultation starting in December.
- (2) To request that Members approve the Pendle Housing Needs Assessment and Development Viability Study, which form part of the evidence base for the Local Plan and agree for them to be part of the public consultation.

RECOMMENDATIONS

- (1) That Members agree that the [Appendix 1], the new evidence base documents [Appendices 2-3] and all other supporting documents can made available for public consultation.
- (2) That Members recommend to the Council meeting on 10 December 2020 that the Local Plan Part 2 (Preferred Options Report) and all supporting documents be made available for public consultation.

REASONS FOR RECOMMENDATIONS

- (1) To comply with the requirements of Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012, as amended.
- (2) So that the Council can proceed to the next stage in preparing and adopting a new Local Plan for the borough.

ISSUE

Background

The Local Plan is used to help manage change in Pendle, by setting out policies and site allocations to guide new development in the borough.

Pendle Local Plan Part 1: Core Strategy (December 2015) ["LP1"] contains the strategic framework for promoting sustainable development and growth in Pendle up to 2030. It includes:

- the long-term spatial vision for the borough, and the overall strategy for delivering that vision.
- the amount of development proposed for particular uses (e.g. housing and employment) and its geographic distribution across the borough.
- the main infrastructure improvements required to support the projected scale and distribution of growth.
- the strategic planning policies that will be used to help determine applications for planning permission.
- a key diagram; illustrating the spatial implications of the strategy.

Pendle Local Plan Part 2: Site Allocations and Development Policies ["LP2"]

LP2 (Appendix 1) builds on the strategic objectives set out in LP1. It allocates a range of specific sites for future development. The local housing requirement, detailed site assessment and sustainability appraisal have helped to inform the selection of those sites that are best placed to deliver our vision for the future of the borough.

LP2 also includes detailed policies that are used by planning officers to help them determine applications for planning permission. It also updates two strategic housing policies in LP1:

- Policy LIV6 "A Revised Housing Requirement", updates and replaces Policy LIV1. It updates the housing requirement, by taking account of the number of new dwellings completed since the start of the plan period, and the number of existing commitments (i.e. sites with an extant planning permission for housing). The plan allocates sufficient sites to cover the shortfall in dwellings. It also adds a 10% buffer, as required by the National Planning Policy Framework ["NPPF2"] to account for potential fluctuations in the market and ensure the borough's five year housing land supply ["5YHLS"] is sufficiently flexible and robust.
- As required by the Inspector who conducted the examination of LP1, the affordable housing position has been reviewed. Policy LIV9 "Affordable Housing" reflects up-to-date information set out in detail in the Housing Needs Assessment prepared on behalf of the Council by consultants Lichfields (see below).

To comply with [Regulation 18 of The Town and Country Planning \(Local Planning\) \(England\) Regulations 2012](#), as amended the council must engage and consult with the public and key stakeholders during the preparation of its Local Plan.

The Preferred Options report is essentially the first draft of LP2 and provides the basis for public consultation. The formal representations submitted in response to the consultation will be used to inform any amendments to the draft policies and site allocations that are considered to be necessary.

Once these changes have been made, the Council's final draft (the Publication report) will be made available for a further six week public consultation during 2021. This report, together with the representations submitted in response to the consultation, will then be submitted to the Secretary of State; who will appoint an inspector from the Planning Inspectorate to conduct an independent examination of the document.

Evidence Base Documents

The policies and site allocations in LP2 are underpinned by an extensive evidence base. Two documents have been commissioned since the end of 2019 to inform

1. Development Viability Study (Appendix 2)

The National Planning Policy Framework ["NPPF"] requires local authorities to pay careful attention to viability and costs in plan-making and decision-taking. For plans to be deliverable, the scale of development and any sites identified should not be subject to policy burdens or obligations (e.g. the provision of affordable housing, open space, or infrastructure) that place their ability to be developed at unnecessary risk.

Lambert Smith Hampton were appointed to update the previous Development Viability Study (2020). The picture that this update provides is that development viability continues to be marginal in all sectors. For housing there is insufficient viability to bring forward the amount of affordable housing that is required in many areas of the borough. Within the M65 Corridor viability continues to remain marginal even without the provision of affordable housing.

The Council will continue to monitor development activity and market conditions annually to determine if there is a change in local viability and whether it is appropriate to amend relevant policies in the plan.

2. Housing Needs Assessment (Appendix 3)

The Housing Needs Assessment considers the operation of the local housing market and forecasts the future housing requirements over the plan period. It provides evidence on the mix (tenure, type and size) of market and affordable housing required.

Supporting Documents

In addition to the evidence base, the following reports are also prepared alongside the Local Plan. These are not complete until the final draft has been prepared. As such they do not form part of this public consultation.

- Sustainability Appraisal Report (SA) – Prepared using the toolkit prepared for the Council by consultants Wood plc. This analyses the economic, social and environmental impacts of the draft policies and site allocations in LP2. It incorporates the process known as Strategic Environmental Assessment (SEA), which is required by European law.
- Habitat Regulations Assessment (HRA) – This assesses the impact that LP2, either alone or in combination with other plans and projects, may have on internationally designated sites of nature conservation value. In Pendle, the South Pennine Moors Site of Special Scientific Interest (SSSI) contains areas that are internationally recognised as a Special Protection Area (SPA) under the Birds Directive and a Special Area for Conservation (SAC) under the Habitats Directive. The HRA also considers the potential implications for European sites further afield.
- Consultation Statement – Shows how members of the public; the statutory bodies (e.g. the Environment Agency), key organisations, business and other interested parties have been informed about, and actively engaged in, the preparation of the Local Plan.

IMPLICATIONS

Policy:	The policies in LP2 will guide future decisions on planning applications.
Financial:	Public consultation will be carried out within the allocated budget.
Legal:	The Council is required to prepare a Local Plan to meet government legislation
Risk Management:	<p>The recent Planning White Paper proposes a radical change to Local Plans. At this time it is uncertain what form these new style plans will take, so the Council must continue with the preparation of Local Plan (Part 2). A significant delay in consulting on the Preferred Options Report could have serious implications for the Council and Pendle, for the following reasons:</p> <ul style="list-style-type: none">a) Several important elements of the evidence base would be likely to be considered to be out of date by the time that the Local Plan is examined by an independent Inspector. This could incur significant costs for the Council.b) The Council could be instructed by the Inspector to abandon the preparation of Local Plan (Part 2) and start to prepare a new style Local Plan. This would leave the borough with a planning policy vacuum. Until a new style Local Plan could be adopted, all planning applications would need to be assessed against the National Planning Policy Framework and any existing Local Plan policies that remain in conformity with it. This would significantly reduce the potential of the Council to influence the amount, location and design of new development in the borough up to 2024.
Health and Safety:	None identified as a result of this report
Sustainability:	The economic, social and environmental impact of policies are addressed in the accompanying Sustainability Report and the Habitat Regulations Assessment.
Community Safety:	None identified as a result of this report
Equality and Diversity:	An Equality Impact Assessment has been prepared. This contains details of any impacts (positive or negative) that an individual policy may have on issues of equality and diversity. It also highlights any mitigation that may be required as a result of these impacts.

APPENDICES

- (1) Pendle Local Plan Part 2: Site Allocations and Development Policies (Preferred Options Report) (*Pendle Council, November 2020*)
- (2) Pendle Housing Needs Assessment (*Lichfields, March 2020*)
- (3) Pendle Development Viability Study (*Lambert Smith Hampton, March 2020*)

LIST OF BACKGROUND PAPERS

- (1) National Planning Policy Framework
- (2) Planning Practice Guidance – Plan Making
- (2) Other Local Plan [evidence base documents](#)